

FILED

2003 AUG -8 PM 3:55

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Lewis & Slovak, P.C.
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Great Falls, MT 59403
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CLERK
BANKRUPTCY COURT
DISTRICT OF DELAWARE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:)	Chapter 11
)	
W.R. GRACE & CO., <u>et al</u>)	Case No. 01-01139 (JKF)
)	(Jointly Administered)
Debtors.)	
)	Claim No. 00006092
)	
)	

**RESPONSE TO DEBTORS' SECOND OMNIBUS
OBJECTION TO CLAIMS (NON-SUBSTANTIVE)**


On behalf of claimant, Douglas Kelley (Claim No. 00006092), his attorney, Tom L. Lewis of Lewis & Slovak, P.C., objects to Debtors' Second Omnibus Objection to Claims (Non-Substantive), dated July 21, 2003, and received August 7, 2003, on the basis of improper notice and further responds as follows:

1. Claimant's claim is with respect to asbestos contamination from a Grace product in or on the property.
2. Claimant's claim is based upon the findings of the U.S. Environmental Protection Agency in its Administrative Record and supplement, test results, and other documentation, as well as information obtained from other sources, including but not limited to local and national news reports, articles and meetings.
3. Claimant consented to the production and release of supporting documentation, in the possession of the U.S. Environmental Protection Agency, to Grace and Grace's representatives at the time of submission of claim in March, 2003.
4. Claimant has attached supporting documentation, which was not available at the time the proof of claim was filed.

**RESPONSE TO DEBTORS' SECOND OMNIBUS
OBJECTION TO CLAIMS (NON-SUBSTANTIVE) - 1**

Respectfully submitted this 8th day of August, 2003.

Lewis & Slovak, P.C.

By: 

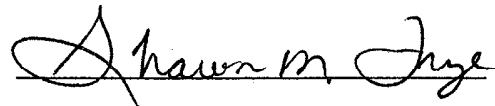
Tom L. Lewis
P.O. Box 2325
Great Falls, MT 59403
(Attorneys for Claimant)

CERTIFICATE OF SERVICE

I hereby certify that a true and legible copy of the foregoing Response to Debtors' Second Omnibus Objection to Claims (Non-Substantive) was served on the 8th day of August, 2003, by fax and by first class mail, upon the following:

James W. Kapp III, Janet S. Baer and Christian J. Lane
Kirkland & Ellis, LLP
200 East Randolph Drive
Chicago, IL 60601

Scott E. McFarland
Pachulski, Stang, Ziehl, Young, Jones & Weintraub, P.C.
919 North Market Street 16th Floor
Wilmington, DE 19801



Shawn M. Inye

Revised

BP- 03441

COPY

Soil samples collected (Date) 6-30-03

LIBBY ASBESTOS PROJECT
Contaminant Screening Study
Primary Structure and Property Assessment Information Field Form (Primary IFF)

Field Logbook No.: 100234 Page No.: 80 Site Visit Date: 6-30-03
 Address: 3819 Hwy 2 S. Structure Description: House
 Occupant: DOUG + MARILYN KEELEY Phone Number: 293-5063
 Owner (if different than occupant): N/A Phone Number: _____
 Business Name: N/A
 Sampling Team: JOE MARTIN, DAVE SPIELMAN
 Field Form Check Completed by (100% of forms): [Signature] Joe Martin
 Screening Field Check Completed by (2% of forms): _____

Data Item	Value	Notes
HOUSE ATTRIBUTES		
Property Description	<u>Residential</u> Industrial Commercial	
Surrounding Land Use	<u>Residential</u> Industrial Commercial School - Mining Other: _____	
Year of Construction	<u>1993</u> Unknown	owners occ. red property ~2 yrs
Square Footage	<u>1000ft²</u>	estimate 7 DS
Construction Material	<u>Wood frame</u> Masonry/Stone Other: _____	
Number of Floors Above Ground	<u>1</u> 2 3 Other: _____	
Number of Rooms Per Floor Above Ground	1: <u>6</u> 2: _____ 3: _____ Other: _____	
Basement	Yes <u>No</u>	crawl space
Heating Source	<u>Wood/Coal</u> Electric <u>Propane/Gas</u> Other: _____	
Heat Distribution	<u>Forced air</u> <u>Radiant</u> Other: _____	Wood/coal heat forced air propane forced air

[Handwritten signature]

No

CSS Primary Structure IFF (continued)

Address: 3819 Hwy 2 S

ID# 003441

Data Item	Value	Notes
OCCUPANT INFORMATION		
Was the residence/building remodeled?	<input checked="" type="radio"/> Yes <input type="radio"/> No If yes, When (years): <2 2-5 >5 Where: Attic Living Areas Garage Basement Other: _____	previous house was knocked down, new house built by these owners. Owner states vermiculite in previous structure, none used in this structure
Has resident/business purchased any Libby vermiculite materials from W.R. Grace in the past?	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Has the property at this location been used for a for-profit enterprise of distributing, treating, storing, or disposing of Libby vermiculite?	<input type="radio"/> Yes <input checked="" type="radio"/> No	
CONTAMINANT SCREENING STUDY ASSESSMENT		
Occupant Information		<input checked="" type="checkbox"/> Verbal Interview Completed <u>DS 6-30-03</u>
Is there any knowledge of former miners, close relatives of miners, or any highly exposed persons living or visiting the property?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Unknown	If unknown, why? Owner, Doug Kelley, worked at the mine
Is the resident, past or present, diagnosed with an asbestos-related disease?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Unknown	If unknown, why? Mr. Kelley has been diagnosed with asbestos-related disease
Indoor Information		<input checked="" type="checkbox"/> Indoor Visual Inspection Complete: <u>DS 6-30-03</u>
Does the interior have vermiculite attic insulation?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Unknown	If unknown, why?
Did the interior ever have vermiculite attic insulation?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Unknown	If unknown, why?
NA applies if attic currently has VCI		<u>DS 6-30-03</u>
Are there vermiculite additives in any of the building materials?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Unknown	If unknown, why? Type and location of building material:

CSS Primary Structure IFF (continued)

Address: 3319 Hwy 25

BD# 003441

Data Item	Value	Notes
Location of indoor vermiculite (circle all that apply)	Attic Walls <u>Crawl Space</u> None Visual in Living Space: Basement, Ground Floor, Second Floor, Attached Garage Other: _____	If in living space, provide specific location: vermiculite visible in crawl space access soil
Outdoor Information		<input checked="" type="checkbox"/> Outdoor Visual Inspection Complete: <u>DS JM 6-30-03</u>
Location of outdoor vermiculite (circle all that apply)	<u>Driveway</u> Flowerbed Garden <u>Yard</u> Former Flowerbed Former Garden <u>DS JM 6-30-03</u> Stockpile None Other: _____	2 driveways visible in driveway area. Both. Vermiculite visible in back yard, south side of high concentration
Overall Assessment Complete: <u>DS JM 6-30-03</u>	<input checked="" type="checkbox"/> Reconnaissance (Verbal Interview, Indoor, Outdoor Inspection)	
Are primary source materials present at the property?	<u>Yes</u> No	
Where are primary source materials located?	Inside <u>Outside</u> <u>DS JM 7-10-03</u> <u>Both</u> <u>DS JM 7-10-03</u> NA	NA applies if no primary source materials are located at the property.
ADDITIONAL INFORMATION (Note any partial access or sample collection issues)		
<p>① Wood stove is in a separate shed ("stove house," w/ stove shed) uses a duct to the house for ducted heating</p> <p>② Original structure on site was demolished in 1993, new house built by same owner/occupant (Doug Kelley) - Mr Kelley reports that original structure had zonalite insulation, new structure does not, (confirmed by owner reports some lumber from original structure was reused in the new house.</p> <p>③ Area with visible vermic. in south back yard (marked as base "Dirt Patch" on site sketch) - owner reports this is septic tank, soil is not fill, just remixed soil from the yard. <u>DS JM 6-30-03</u></p>		

CSS Primary Structure IFF (continued)

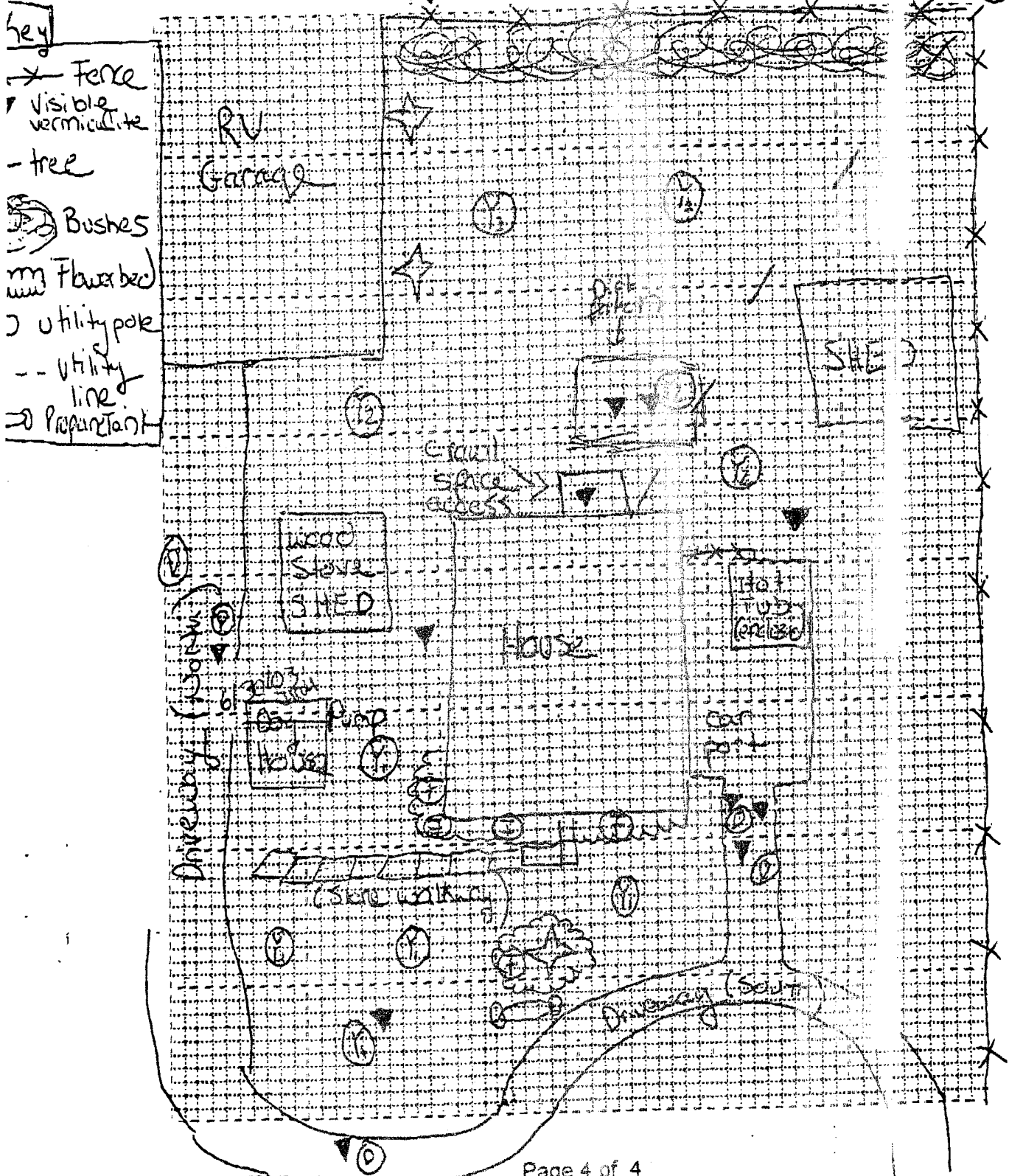
Address: 3819 HWY 2 S

ID# 003741

FIELD DIAGRAM OF PROPERTY

Identify important features (i.e. drainage, trees, gardens, structures, flowerbeds, utility poles, known underground utilities, suspected Libby amphibole source areas, sample locations, etc). Include north arrow.

NOT TO SCALE



003442

LIBBY ASBESTOS PROJECT
Contaminant Screening Study
Additional Information Field Form (AIFF)

08/12/03

Field Logbook No.: 100234 Page No.: 81 Site Visit Date: 6-30-03
Address: 3819 Hwy 25 Structure Description: Hot Tub S.D.
Occupant: DOUG KELLEY Phone Number: 297 5063
Owner (if different than occupant): N/A Phone Number: N/A
Business Name: N/A
Sampling Team: JOE MARTIN, DAVE SPIELMAN
Field Form Check Completed by (100% of forms): Joe Martin
Screening Field Check Completed by (2% of forms): Joe Martin

Instructions: Pull existing residential file folder and original IFF; ensure past dust sampling FSOS are present. Conduct additional investigations as described below. If action item does not apply to the property, check item does not apply to this property.

Category and Action Trigger	Action	Notes
INDOOR SAMPLING/ATTIC INSPECTION		
Current presence of VCI - Unknown Answer to IFF question: Does the interior have VCI? = Unknown	Current Status of VCI Determined: <input type="checkbox"/> Yes, update existing IFF. If VCI is present, collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. <input type="checkbox"/> No, collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. <input checked="" type="checkbox"/> Item does not apply to this property.	
Past presence of VCI - Yes Answer to IFF question: Did the interior ever have VCI? = Yes	Remnants of Vermiculite Visible: <input type="checkbox"/> Yes, collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. <input type="checkbox"/> No, collect dust samples in living space and attic per dust sampling protocol after reviewing existing dust sample locations. <input type="checkbox"/> Unknown, attic cannot be accessed for visual inspection. Collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. <input checked="" type="checkbox"/> Item does not apply to this property.	

AM 6/30/03

CSS Additional IFF (Continued)

Address: 3819 Hwy 25

003442

Category and Action Trigger	Action	Notes
Secondary Source Indications Answer to any IFF Secondary Source indication questions (mining history, asbestos-related disease) = Yes	<input checked="" type="checkbox"/> Collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. <input type="checkbox"/> Item does not apply to this property.	owner/occupant worked at mine, diagnosed with asbestos related disease
Vermiculite Present in Building Materials Answer to IFF question: Are there vermiculite additives in any of the building materials? = Yes	Condition of Vermiculite Containing Building Material: <input type="checkbox"/> Intact. No further action on this item required. <input type="checkbox"/> Friable, collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. <input checked="" type="checkbox"/> Item does not apply to this property.	
Location dust samples NOT collected due to current presence of visible vermiculite (circle all that apply)	Basement Ground Floor Second Floor Attached Garage <u>(None)</u> Other _____ <input type="checkbox"/> Item does not apply to this property.	Specific location of visible vermiculite:
OUTDOOR SAMPLING		
Visible vermiculite in large use area (Driveway or yard)	<input type="checkbox"/> Collect soil sample for each use area and add locations to existing property diagram. <input checked="" type="checkbox"/> Collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. <input type="checkbox"/> Item does not apply to this property.	visible vermiculite in driveway
ADDITIONAL INFORMATION (Note any partial access or sample collection issues): _____ _____ _____ _____ _____ _____ _____ _____ _____ _____ _____		

003443

LIBBY ASBESTOS PROJECT Contaminant Screening Study Additional Information Field Form (AIFF)

Field Logbook No.: 100234 Page No.: 91 Site Visit Date: 6-30-03
Address: 3819 Hwy 2 S Structure Description: STORAGE SHED
Occupant: DOUG KELLEY Phone Number: 293 5063
Owner (if different than occupant): N/A Phone Number: N/A
Business Name: N/A
Sampling Team: JOE MARTIN, DAVID SPIELMAN
Field Form Check Completed by (100% of forms): [Signature] Joe Martin
Screening Field Check Completed by (2% of forms): _____

Instructions: Pull existing residential file folder and original IFF; ensure past dust sampling FSDS, and pling FSDS, are present. Conduct additional investigations as described below. If action item does not apply to the pr ck item does not apply to this property.

Category and Action Trigger	Action	Notes
INDOOR SAMPLING/ATTIC INSPECTION		
Current presence of VCI - Unknown Answer to IFF question: Does the interior have VCI? = Unknown	Current Status of VCI Determined: <input type="checkbox"/> Yes, update existing IFF. If VCI is present, collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. <input type="checkbox"/> No, collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. <input checked="" type="checkbox"/> Item does not apply to this property.	
Past presence of VCI - Yes Answer to IFF question: Did the interior ever have VCI? = Yes	Remnants of Vermiculite Visible: <input type="checkbox"/> Yes, collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. <input type="checkbox"/> No, collect dust samples in living space and attic per dust sampling protocol after reviewing existing dust sample locations. <input type="checkbox"/> Unknown, attic cannot be accessed for visual inspection. Collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. <input checked="" type="checkbox"/> Item does not apply to this property.	

RM/CLB

103444

LIBBY ASBESTOS PROJECT
Contaminant Screening Study
Additional Information Field Form (AIFF)

Field Logbook No.: 100234 Page No.: 81 Site Visit Date: 6-30-03
Address: 3019 Hwy 2 S Structure Description: RV GARAGE
Occupant: DOUG- KELLEY Phone Number: 293-5063
Owner (if different than occupant): N/A Phone Number: _____
Business Name: N/A
Sampling Team: JOE MARTIN, DAVID SPIELMAN
Field Form Check Completed by (100% of forms): J.M. Martin Joe Martin
Screening Field Check Completed by (2% of forms): _____

Instructions: Pull existing residential file folder and original IFF; ensure past dust sampling FSOS, and soil sampling FSOS, are present. Conduct additional investigations as described below. If action item does not apply to the property, check item does not apply to this property.

Category and Action Trigger	Action	Notes
INDOOR SAMPLING/ATTIC INSPECTION		
Current presence of VCI - Unknown Answer to IFF question: Does the interior have VCI? = Unknown	Current Status of VCI Determined: <input type="checkbox"/> Yes, update existing IFF, if VCI is present, collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. <input type="checkbox"/> No, collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. <input checked="" type="checkbox"/> Item does not apply to this property.	
Past presence of VCI - Yes Answer to IFF question: Did the interior ever have VCI? = Yes	Remnants of Vermiculite Visible: <input type="checkbox"/> Yes, collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. <input type="checkbox"/> No, collect dust samples in living space and attic per dust sampling protocol after reviewing existing dust sample locations. <input type="checkbox"/> Unknown, attic cannot be accessed for visual inspection. Collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. <input checked="" type="checkbox"/> Item does not apply to this property.	

Ry 6/30/03

CSS Additional IFF (Continued)

BD# 003444

Address: 3819 Hwy 25

Category and Action Trigger	Action	Notes
Secondary Source Indications Answer to any IFF Secondary Source Indication questions (mining history, asbestos-related disease) = Yes	<input checked="" type="checkbox"/> Collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. <input type="checkbox"/> Item does not apply to this property.	owner/occupant has asbestos related disease
Vermiculite Present in Building Materials Answer to IFF question: Are there vermiculite additives in any of the building materials? = Yes	Condition of Vermiculite Containing Building Material: <input type="checkbox"/> Intact. No further action on this item required. <input type="checkbox"/> Friable. collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. <input checked="" type="checkbox"/> Item does not apply to this property.	
Location dust samples NOT collected due to current presence of visible vermiculite (circle all that apply)	Basement Ground Floor Second Floor Attached Garage <u>None</u> Other: _____ <input type="checkbox"/> Item does not apply to this property.	Specific location of visible vermiculite.
OUTDOOR SAMPLING		
Visible vermiculite in large use area (Driveway or yard)	<input type="checkbox"/> Collect soil sample for each use area and add locations to existing property diagram. <input checked="" type="checkbox"/> Collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. <input type="checkbox"/> Item does not apply to this property.	vermiculite visible in yard and driveway
ADDITIONAL INFORMATION (Note any partial access or sample collection issues):		

I- 003445

S 6-30-03

LIBBY ASBESTOS PROJECT
Contaminant Screening Study
Additional Information Field Form (AIFF)

Field Logbook No.: 100234 Page No.: 31 Site Visit Date: 6-30-03
Address: 3319 Hwy 2 S Structure Description: PUMP HOUSE
Occupant: DOUG KELLEY Phone Number: 203-57063
Owner (if different than occupant): N/A Phone Number: N/A
Business Name: N/A
Sampling Team: JOE MARTIN, DAVID SPIELMAN
Field Form Check Completed by (100% of forms): Joe Martin
Screening Field Check Completed by (2% of forms): Joe Martin

Instructions: Pull existing residential file folder and original IFF; ensure past dust sampling FSDS present. Conduct additional investigations as described below. If action item does not apply to this property, check item does not apply to this property.

Category and Action Trigger	Action	Notes
INDOOR SAMPLING/ATTIC INSPECTION		
Current presence of VCI - Unknown Answer to IFF question: Does the interior have VCI? = Unknown	Current Status of VCI Determined: <input type="checkbox"/> Yes, update existing IFF. If VCI is present, collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. <input type="checkbox"/> No, collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. <input checked="" type="checkbox"/> Item does not apply to this property.	
Past presence of VCI - Yes Answer to IFF question: Did the interior ever have VCI? = Yes	Remnants of Vermiculite Visible: <input type="checkbox"/> Yes, collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. <input type="checkbox"/> No, collect dust samples in living space and attic per dust sampling protocol after reviewing existing dust sample locations. <input type="checkbox"/> Unknown, attic cannot be accessed for visual inspection. Collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. <input checked="" type="checkbox"/> Item does not apply to this property.	

AM
6/30/03

CS5 Additional IFF (Continued)

BD# 003445

Address: 3319 Hwy 2S

Category and Action Trigger	Action	Notes
Secondary Source Indications Answer to any IFF Secondary Source Indication questions (mining history, asbestos-related disease) = Yes	<input checked="" type="checkbox"/> Collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. <input type="checkbox"/> Item does not apply to this property.	owner/occupant has asbestos related disease
Vermiculite Present in Building Materials Answer to IFF question: Are there vermiculite additives in any of the building materials? = Yes	Condition of Vermiculite Containing Building Material: <input type="checkbox"/> Intact. No further action on this item required. <input type="checkbox"/> Friable. collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. <input checked="" type="checkbox"/> Item does not apply to this property.	
Location dust samples NOT collected due to current presence of visible vermiculite (circle all that apply)	Basement Ground Floor Second Floor Attached Garage <u>None</u> Other: _____ <input type="checkbox"/> Item does not apply to this property.	Specific location of visible vermiculite:
OUTDOOR SAMPLING		
Visible vermiculite in large use area (Driveway or yard)	<input type="checkbox"/> Collect soil sample for each use area and add locations to existing property diagram. <input checked="" type="checkbox"/> Collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. <input type="checkbox"/> Item does not apply to this property.	2. vermiculite yard and driveway.
ADDITIONAL INFORMATION (Note any partial access or sample collection issues): _____ _____ _____ _____ _____ _____ _____ _____ _____ _____		

DS
6-30-03

D- 003446

LIBBY ASBESTOS PROJECT
Contaminant Screening Study
Additional Information Field Form (AIFF)

Field Logbook No.: 100234 Page No.: 81 Site Visit Date: 6-30-03
Address: 3319 Hwy 2 S Structure Description: STONE HOUSE
Occupant: DOUG KELLEY Phone Number: 293-5063
Owner (if different than occupant): N/A Phone Number: N/A
Business Name: N/A
Sampling Team: JOE MARTIN, DAVID SPIELMAN
Field Form Check Completed by (100% of forms): [Signature]
Screening Field Check Completed by (2% of forms): [Signature]

Instructions: Pull existing residential file folder and original IFF; ensure past dust sampling FSOS; and current sampling FSOS, are present. Conduct additional investigations as described below. If action item does not apply to the property, check item does not apply to this property.

Category and Action Trigger	Action	Notes
INDOOR SAMPLING/ATTIC INSPECTION		
Current presence of VCI - Unknown Answer to IFF question: Does the interior have VCI? = Unknown	Current Status of VCI Determined: <input type="checkbox"/> Yes, update existing IFF. If VCI is present, collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. <input type="checkbox"/> No, collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. <input checked="" type="checkbox"/> Item does not apply to this property.	
Past presence of VCI - Yes Answer to IFF question: Did the interior ever have VCI? = Yes	Remnants of Vermiculite Visible: <input type="checkbox"/> Yes, collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. <input type="checkbox"/> No, collect dust samples in living space and attic per dust sampling protocol after reviewing existing dust sample locations. <input type="checkbox"/> Unknown, attic cannot be accessed for visual inspection. Collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. <input checked="" type="checkbox"/> Item does not apply to this property.	

RM
6/30/03

CSS Additional IFF (Continued)

80# 003446

Address: 3819 Hwy 2 S

Category and Action Trigger	Action	Notes
Secondary Source Indications Answer to any IFF Secondary Source Indication questions (mining history, asbestos-related disease) = Yes	<input checked="" type="checkbox"/> Collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. <input type="checkbox"/> Item does not apply to this property.	owner/occupant has asbestos-related disease
Vermiculite Present in Building Materials Answer to IFF question: Are there vermiculite additives in any of the building materials? = Yes	Condition of Vermiculite Containing Building Material: <input type="checkbox"/> Intact. No further action on this item required. <input type="checkbox"/> Friable, collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. <input checked="" type="checkbox"/> Item does not apply to this property.	
Location dust samples NOT collected due to current presence of visible vermiculite (circle all that apply)	Basement Ground Floor Second Floor Attached Garage <u>None</u> Other: _____ <input type="checkbox"/> Item does not apply to this property.	Specific location of visible vermiculite:
OUTDOOR SAMPLING		
Visible vermiculite in large use area (Driveway or yard)	<input type="checkbox"/> Collect soil sample for each use area and add locations to existing property diagram. <input checked="" type="checkbox"/> Collect dust samples in living space per dust sampling protocol after reviewing existing dust sample locations. <input type="checkbox"/> Item does not apply to this property.	vermiculite in yard and driveway
ADDITIONAL INFORMATION (Note any partial access or sample collection issues):		